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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,501	10/16/2001	Rycharde Jeffery Hawkes	1509-226	1484
22429 7590 02/09/2007 LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/977,501

Applicant(s)

HAWKES ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This office action is responsive to reply filed on 11/17/2006.

#### ***Response to Amendment***

1 This action is responsive to the application filed on 10/6/2001 with a reply communication filed on 11/17/2006. Claims 1-18 have been cancelled. Claims 19-38 are pending. Claims 19-38 represent a method and apparatus for an "a Content Provider Entity for Communication Session". Request for withdrawal of the Previous Office action under Rule 131 Affidavits has been granted.

#### ***Claim objections***

2 **Claim 29** depends on **claim 1**, which is a cancelled claim. In order to proceed with the examination of the application, the Examiner assumes that claim 29 depends on claim 28. Claims 30-35 depend on claim 29 and are objected to for reasons similar to the objection of claim 29. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 19-28, and 36-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnaswamy et al (Krishnaswamy), Patent No. 6,909,708 B1.

Regarding **claim 19-28, and 36-38** Krishnaswamy discloses:

19. An automaton for providing media content to media channels of a network communication session (fig. 19), the automaton comprising:

a manager system configured to:

join the automaton to an existing network communication session between an endpoint entity and a contact center responsive to receipt of an invitation to join the existing network communication session (column 127, lines 62-67; column 131, lines 28-60), and

receive: (a) context data about the existing network communication session and (b) channel information about one or more media channels of the existing network communication session, wherein the channel information includes media type carried by the media channels and channel connection details (column 133, lines 5-35);

a transport system configured to establish, based on the received channel information, one or more media channel connections from the automaton to a session transport mechanism associated with the existing network communication session (fig. 95);

a media content handler configured to deliver media content of a particular media type to the established one or more media channel connections based on the received channel information (fig. 5, items ARU 502, 504, and 506); and

a delivery controller configured to control the selection and delivery of media content by the media content handler responsive to the received context data (fig. 3, item 314, and 332; column 131, lines 29-39).

20. An automaton as in claim 19, the manager system further configured to cause the automaton to leave the existing network communication session upon an other endpoint entity at the contact center joining the existing network communication session (figs. 102 and 103; column 141; lines 41-61;).

21. An automaton as in claim 19, the manager system further configured to join the automaton to the existing network communication session if an other endpoint entity at the contact center has not joined the existing network communication session (column 141; lines 41-61; figs. 102 and 103).

22. An automaton as in claim 19, the manager system further configured to join the automaton to the existing network communication session if an other endpoint entity at the contact center and connected to the existing network communication session has left the existing network communication session (column 141; lines 41-61).

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23. An automaton as in claim 19, further comprising a content library providing media sources of different media type for use by the media content handler (column 19, lines 39-64).

24. An automaton as in claim 19, wherein the context data comprises an indication of a target subject, the delivery controller using the target subject indication to determine at least an initial content for delivery on at least one of the one or more media channel connections (column 37, lines 64-67; continue in column 38, lines 1-13).

25. An automaton as in claim 19, wherein the context data comprises the identity of a party at the endpoint entity joined to the existing network communication session, the delivery controller using the identity to query a database about the party, the delivery controller using the query results to determine at least an initial content for delivery on at least one of the one or more media channel connections (column 37, lines 64-67; continue in column 38, lines 1-13).

26. An automaton as in claim 19, the delivery controller further configured to cause media content to be simultaneously delivered across multiple media channel connections of the existing network communication session (fig. 3, items 314, and 332).

27. An automaton as in claim 19, wherein the delivered media content is non-interactive with respect to the endpoint entity joined to the established communication session, and the delivery controller is further configured to periodically cause new content to be delivered on the one or more media channel connections (column 127, lines 25-34).

28. An automaton as in claim 19, wherein the delivered media content comprises active components enabling a party at the endpoint entity joined to the existing network communication session to provide input regarding future content to be delivered, the input being received by the automaton and used by the delivery controller to control subsequent media content delivered by the media content handler (column 127, lines 62-67; column 131, lines 28-60).

36. A method of providing media content to media channels of a network communication session, the method comprising:

establishing a media channel connection from an automaton to a session transport mechanism associated with an existing network communication session between an endpoint entity and a contact center responsive to receipt of an invitation to join the existing network communication session and receipt of channel information about one or more media channels of the existing network communication session, the channel information including the media type carried

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by the one or more media channels and channel connection details (column 127, lines 62-67; column 131, lines 28-60; column 133, lines 5-35); and

providing an appropriate media content from the automaton to a corresponding media channel established by said establishing step responsive to receipt of context data about the existing network communication session and based on the channel information (column 37, lines 64-67; continue in column 38, lines 1-13; column 131, lines 29-39).

37. A computer-readable medium storing instructions which, when executed by a processor, causes the processor to perform the method of claim 36 (column 127, lines 62-67; column 131, lines 28-60; column 133, lines 5-35).

38. A device for performing the method of claim 36 (figs. 59-67).

***Allowable Subject Matter***

5. **Claims 29-35** below are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

29. In combination, an automaton as in claim 1 and a service system for setting up a network communication session with an associated transport mechanism allowing the exchange of data, via multiple data transfer channels for



different media types, between endpoint entities joined to the session; the service system, in setting up a network communication session, creating a service-session functional entity for controlling the joining of endpoint entities to the network communication session in accordance with a predetermined service behavior, and the service-session functional entity being responsible for joining the automaton to the network communication session as required by said service behavior, the joining of the automaton to the network communication session comprising sending of the context data and the channel information to the automaton.

30. A combination as in claim 29, wherein the service session functional entity is operative to join the automaton to an existing network communication session during a period when the endpoint entity awaits the joining of an other endpoint entity at the contact center corresponding.

31. A combination as in claim 30, wherein the automaton is automatically caused to leave the existing network communication session upon the other endpoint entity joining the session.

32. A combination as in claim 30, wherein upon the other endpoint entity joining the session, the automaton remains in the session until explicitly dismissed by the other endpoint entity.

33. A combination as in claim 29, further comprising a transcription entity joined to the session with the automaton to record the media content delivered by the automaton, the transcription entity being controllable by the other endpoint entity to play back at least selected portions of the media content delivered by the automaton.

34. A combination as in claim 29, wherein the service-session functional entity comprises a session instance with generic behavior for adding and removing endpoint entities to the network communication session and for recording the endpoint entities currently joined to the network communication session, and an associated service instance with service-specific behavior determining when the session instance is to add and remove endpoint entities.

35. A combination as in claim 29, wherein the state of connection of the automaton to the transport mechanism is signaled to the session-service functional entity by leg messages passed between a leg controller of the entity manager of the automaton and a corresponding leg controller of the service-session functional entity.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 274-8400.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Jude Jean-Gilles

Patent Examiner

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JJG

February 2, 2007

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
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